THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.6561 of 1997

Dated: 25th January, 2006

Between:

S. Yousuf

…..PETITIONER

AND

Andhra Pradesh State Road

Transport Corporation, rep by its

Managing Director, Hyderabad & another

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.6561 of 1997

ORDER:

This writ petition is filed assailing the notification issued in Notification No.E2/340 (2)/97-MP, dated 1-2-1997, by the Depot Manager, Mehdipatnam, notifying that the petitioner will retire from services of the Corporation on 31-7-1997 on attaining the

age of superannuation of 58 years as per Regulation No.6(1)(a) of A.P.S.R.T.C Employee's (Service) Regulations, 1964.

The petitioner, who is a Driver with the respondents-Corporation, claims to be an illiterate. It is his case that at the time of joining the service of the respondents-Corporation, he could not produce any proof in support of his date of birth and age. The petitioner states that at the time of joining service, his age was wrongly entered by showing him to have been born 21.07.1939, and that, in fact, he was born in 1946. As the respondents-Corporation, wrongly entered his date of birth, he made a representation in 1972 requesting them to refer him to a Doctor at Osmania General Hospital, and the Doctor at Osmania General Hospital, having examined the petitioner opined that the petitioner is six to seven years younger than the age that has been entered in the records. The petitioner states that based on the Medical Certificate issued by the Doctor, he immediately made a representation to the respondents-Corporation to rectify the mistake in the Service Register. Believing that the respondents-Corporation would rectify the mistake, he did not pursue the matter, but surprisingly, on 26-3-1997 the respondents-Corporation issued the impugned notification, notifying that the will retire from service on 31-7-1997 on attaining the age of superannuation. Hence, he filed this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The petitioner, at the time of joining the service of the respondents-Corporation, did not produce any certificate in proof of his date of birth and age. Though the petitioner contends that his date of birth is 21.07.1946, and that his date of birth was wrongly entered by the respondents-Corporation in the Service Register as 21.07.1939, it is the case of the respondents-Corporation that the petitioner has himself at the time of joining swore to an affidavit stating that his date of birth is 21.07.1939. The petitioner having swore to an affidavit stating that his date of birth is 21.07.1939, now after issuance of the notification, notifying his date of retirement, cannot be allowed to contend that his date of birth is 21.07.1946. Though the petitioner states that he had made representation seeking correction of date of birth in 1972 itself, no material whatsoever has been placed before the Court to substantiate such a claim, and merely on the basis of the age certificate, now obtained by the petitioner after notifying his date of retirement, showing that is date of birth is 21.07.1946, no direction can be given to the respondents to continue the petitioner in service till he attains the age of superannuation on the basis of that date, and more so when it has been held that no writ petition for change of date of birth can be entertained at the fag end of service of an employee.

The writ petition is devoid of merit, and the same is accordingly dismissed.

(N.V. RAMANA, J.)

Date:25th January, 2006.

GRK